

Image

Attorney Docket No.: 5600-85

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Simmons et al.

Application Serial No.: 10/656,386

Filed: September 5, 2003

For: *Stable Probiotic Microsphere Compositions and Their Methods of Preparation*

Date: November 21, 2003

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUBMITTAL OF DECLARATION  
UNDER 37 C.F.R. § 1.63**

Sir:

Enclosed is a Declaration and Power of Attorney for the above-identified application, which has been executed by the named inventors.

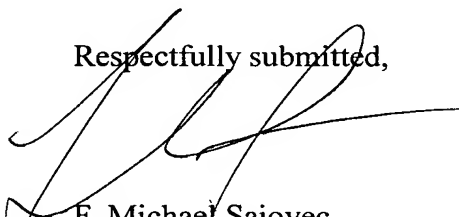
Enclosed please find a check to cover \$65 surcharge under 37 C.F.R. § 1.492(e). If any extension of time for the accompanying response or submission is required, Applicant requests that this be considered a petition therefor. The Commissioner is hereby authorized to charge any additional fee, which may be required, or credit any refund, to our Deposit Account No. 50-0220.

11/28/2003 WABDELRI 00000110 10656386

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65.00 OP

Respectfully submitted,



F. Michael Sajovec  
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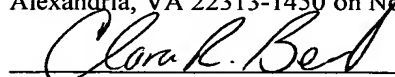
Raleigh, North Carolina 27627

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**Certificate of Mailing under 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on November 21, 2003.



Clara R. Beard

## DECLARATION FOR PATENT APPLICATION

As a below named inventor, I (we) hereby declare that my (our) residence, post office address and citizenship are as stated below next to my (our) name; I (we) believe that I am (we are) the original, first and sole inventor(s) (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention (Design, if applicable) entitled: STABLE PROBIOTIC MICROSPHERE COMPOSITIONS AND THEIR METHODS OF PREPARATION

the specification of which (check one): ☐ is attached hereto; ☒ was filed on September 5<sup>th</sup>, 2003 as application serial No. 10/656,386 and was amended on (or amended through) \_\_\_\_\_ (if applicable); ☐ was filed on \_\_\_\_\_ as International Application (PCT) No. \_\_\_\_\_ and amended on \_\_\_\_\_ (if applicable). I (we) hereby state that I (we) have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I (we) acknowledge the duty to disclose information known by me (us) to be material to the patentability of my (our) invention in accordance with Title 37, Code of Federal Regulations, § 1.56(a). I (we) hereby claim foreign priority benefits under Title 35, United States Code § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application which priority is claimed.

I (We) hereby claim foreign priority benefits under Title 35, United States Code § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/> YES	<input type="checkbox"/> NO
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/> YES	<input type="checkbox"/> NO


I (we) hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I (we) acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior art application and the national or PCT international filing date of this application:


60/408,348	September 6 <sup>th</sup> , 2002	Pending
(Appl. No.)	(Filing date)	(Status – Patented, Pending or Abandoned)
(Appl. No.)	(Filing date)	(Status – Patented, Pending or Abandoned)


I (we) hereby declare that all statements made herein of my (our) own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

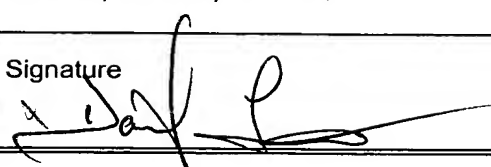
**POWER OF ATTORNEY:** I (we) hereby appoint as my (our) attorneys, with full powers of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

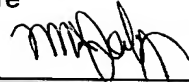
Garabed NAHABEDIAN (Reg. No. 29,507); Thierry ORLHAC (Reg. No. 29,497); Alain PROVOST (Reg. No. 33,143); Nathalie JODOIN (Reg. No. 41,558); Louis-Pierre GRAVELLE (Reg. No. 44,429); Luc MORIN (Reg. No. 44,430); Gonzalo LAVIN (Reg. No. 52,529); and Zhen WONG (Reg. No. 53,917), whose professional address is 55 St Jacques, Montreal, Quebec, Canada, H2Y 3X2.

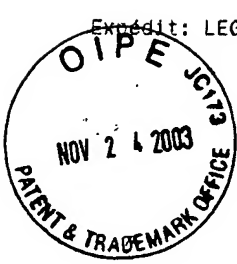
Full name of First or Sole Inventor Donald L. SIMMONS	Citizenship Canadian
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Date x October 23, 2003	Signature x 

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Date x October 23, 2003	Signature x 

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Date x OCTOBER 23, 2003	Signature x 

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Date x OCTOBER 23, 2003	Signature x 

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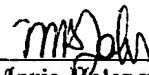
Alexandria, VA 22313-1450

STATEMENT OF NO DECEPTIVE INTENT  
UNDER 37 C.F.R. § 1.48

Sir:

Pursuant to 37 C.F.R. § 1.48(a), I state that I was omitted as an inventor on the above-referenced patent application through no deceptive intent on my part.

Respectfully submitted,

  
\_\_\_\_\_  
Marie-Hélène Doly  
30/10/03  
\_\_\_\_\_  
Date